

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:24-cv-00004

MORAG BLACK POLASKI; SHAWANA)	
ALMENDAREZ; and NORTH CAROLINA)	
JUSTICE FOR ALL PROJECT,)	
)	
Plaintiffs,)	
)	Motion To Dismiss
v.)	
)	
JOSH STEIN, in his official capacity as)	
Attorney General of North Carolina,)	
)	
Defendant.)	

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), Defendant moves to dismiss Plaintiffs' complaint without prejudice for lack of subject-matter jurisdiction based on Plaintiffs' lack of standing and the Defendant's possession of Eleventh Amendment immunity. In the alternative, should the Court conclude that Plaintiffs possess standing and that the claim as pleaded overcomes Defendant's Eleventh Amendment immunity, Defendant moves to dismiss Plaintiffs' complaint with prejudice for failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6). A supporting memorandum of law is being submitted contemporaneously with this motion and details the bases of the motion.

CONCLUSION

WHEREFORE, Defendant respectfully requests that the Court grant this motion to dismiss without prejudice; or in the alternative if the Court determines it possesses jurisdiction, with prejudice.

This the 26th day of February, 2024.

Respectfully submitted,

/s/ Carl Newman

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